

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

x_CIVIL__ Divi

ANNEBELLE V DUNCAN

Case: 2:22-cv-11505

Assigned To : Cox, Sean F.

Referral Judge: Grey, Jonathan J.C.

Filed: 7/5/2022

DUNCAN V WATERSTREET ET AL (LH)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

RONALD WATERSTREET, ASSISTANT UNITED
STATES ATTORNEY; DEPARTMENT OF JUSTICEJury Trial: (check one) Yes No

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Annebelle V. Duncan		
Address	9161 Parkwood St		
	Van Buren Twp	MI	48111
County	City	State	Zip Code
Telephone Number	Wayne		
E-Mail Address	313-742-9860		
	t2redroses@hotmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Ronald Waterstreet		
Job or Title (if known)	Assistant United States Attorney		
Address	211 W. Fort St, Suite 2001		
	Detroit	MI	48226
County	City	State	Zip Code
Telephone Number	Wayne		
E-Mail Address (if known)	313-226-9100		

Individual capacity Official capacity

Defendant No. 2

Name	Department of Justice		
Job or Title (if known)			
Address	211 W. Fort St, Suite 2001		
	Detroit	MI	48226
County	City	State	Zip Code
Telephone Number	313-226-4001		
E-Mail Address (if known)			

Individual capacity Official capacity

Defendant No. 3

Name _____

Job or Title (*if known*) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (*if known*) _____ Individual capacity Official capacity

Defendant No. 4

Name _____

Job or Title (*if known*) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (*if known*) _____ Individual capacity Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*): Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?
n/a-BivensC. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

14th Amendment
5th Amendment
6th amendment

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

AUSA Ronald Waterstreet acted under color of federal law when he; 1.) initiated a grand jury superceding indictment against Petitioner to include a crime that was committed in 1991 that I did not commit nor was I involved in. 2.) In the course of issuing the superceding indictment, Mr. Waterstreet was statutorily time-barred from bringing up the matter in 1991 and to include it in the case which caused the arrest of Plaintiff in May 2000.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?
Detroit, Michigan, Sacramento California, Lexington Kentucky

B. What date and approximate time did the events giving rise to your claim(s) occur?
May 18, 2000 initial arrest- between 7am-8am; bond issued and returned home same day
Pretrial services began after arraignment; May 18, 2000 between 9am-11am
February 28, 2001-superceding indictment issued-1pm after hearing
Trial February 2002-March 12, 2002;
March 12, 2002-convicted and remanded- 9am-11am to the Wayne County Jail

C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
Plaintiff was arrested, placed on pre-trial services, went to trial and was found guilty and remanded into the Wayne County Jail for a crime Plaintiff did not commit on March 12, 2002. Government charged Plaintiff with a superceding indictment dated back to 1991 without any evidence to validate the charge. In addition to that, the crime was statutorily time-barred and should not have been issued at all against Plaintiff. Mr. Waterstreet used a non credible informant, Robert Levy against Plaintiff. Mr. Waterstreet knew he had no evidence to convict Plaintiff. So, when Mr. Waterstreet learned that Mr. Levy and Plaintiff had an estranged parental relationship, Mr. Waterstreet persuaded and coerced Mr. Levy by asking Mr. Levy if he knew anything about Plaintiff's alleged involvement with drugs. Mr. Waterstreet pressured Mr. Levy to give him something he could use against Plaintiff. Mr. Waterstreet used the child support arrerage as a "carrot of leverage" to help persuade Mr. Levy into stating anything that would help his case against Plaintiff. Pastor Grays, Plaintiff pastor was on a 3-way call with Mr. Levy and Mr. Waterstreet. She witnessed how Mr. Waterstreet persuaded Mr. Levy by using the support arrerage as leverage for information against Plaintiff. The false statement by Mr. Levy was used against Plaintiff.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Plaintiff suffered emotional stress, loss of employment, loss of home, loss of vehicle, loss of security, constitutional violations; and the damage to Plaintiff's reputation. My children suffered as well. My daughter was 12 years old and my son was 6 months old; both minors. My 2 children were separated from their mother and endured 6 1/2 years without their mom, thus resulting in emotional distress, trauma, separation anxiety and fear. My daughter suffered, emotional trauma, physical harm and abuse at the hands of Mr. Levy and his wife. As a minor child, Plaintiff daughter was not properly reared and cared for despite the support payments Mr. Levy received; by Mr. Waterstreet's assistance. Mr. Levy and his wife neglected daughter, she was denied proper care as a minor child. Instead she was mistreated, abused, ridiculed, embarrassed, under the abusive control of Mrs. Levy.

Plaintiff loss consortium with my children. My daughter suffered emotional distress by her father Mr. Levy and his wife due to her being forced to live with them for 3 1/2 years. Mrs. Levy imposed emotional distress, emotional trauma, traumatization and inflict Plaintiff daughter with fear, lack of love, respect. My daughter was denied parental care and guidance, nuturing from her dad, Mr. Levy and his wife. This was inflicted on my daughter because of the actions of Mr. Waterstreet and his manipulation tactics to persuade Mr. Levy to testify against Plaintiff falsely.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff request the court to vacate sentence, expunge the criminal record in all criminal related databases, police; state, local and federal systems, Federal Bureau of Prisons, Department of Justice databases, an order stating that she was wrongfully convicted. Plaintiff served 6 1/2 years in prison including jail time of 5 months; 1 1/2 years on federal probation of a 3 year probation sentence.

Plaintiff requests that Robert Levy to be charged with the statutes of law he violated in this case by assisting the government to unlawfully convict Plaintiff. Mr. Levy based on fraudulent evidence. Plaintiff requests to be compensated for every day she remained in custody by the federal government, in the Federal Bureau of Prisons and Wayne County Jail.

The basis for this claim is that Plaintiff was unlawfully incarcerated and her constitutional rights were violated as a result of the unlawful incarceration by Mr. Waterstreet. During this ordeal, I endured much stress and emotional trauma. She and her children suffered mentally, emotionally, physically and financially distraught, drained and emotionally damaged by the trauma of being arrested in my home with my children present. I was subjected to humiliation and embarrassment by my family, neighbors and colleagues when I was arrested at my home. Additionally I was damaged spiritually by the accusation committing a crime, I did not commit. The pain, suffering and emotional distressed that me and my family endured due to the wrongful conviction created a traumatizing situation. I am requesting monetary damages in the amount of \$5 million as well as punitive damages in the amount \$5 million.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

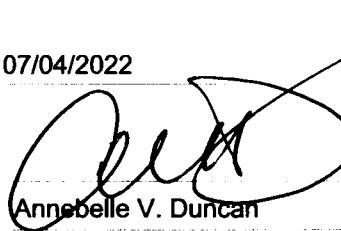
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07/04/2022

Signature of Plaintiff

Printed Name of Plaintiff


Annebelle V. Duncan**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

BIVENS CLAIM BY PLAINTIFF ANNEBELLE V DUNCAN; CONTINUATION PAGE

BASIS FOR JURISDICTION

Section D

3.) Mr. Waterstreet did not obtain any credible nor reliable evidence that proved Ms. Duncan was the individual who sent the package of cocaine through the Federal Express delivery system from Sacramento California to Detroit, Michigan. This is the foundation of the superceding indictment dated back to 1991. In 1991, then-AUSA Terrence Berg declined prosecuting Plaintiff due to lack of evidence. There was not any evidence that Mr. Waterstreet could have obtained to hold Ms. Duncan responsible for the crime committed in 1991. There was not any. This act was not initiated within 5 years thus resulting in a time-barr issue.

4.) Mr. Waterstreet contacted Robert James Levy in an effort to seek out other/more evidence against Plaintiff. Mr. Waterstreet was aware that Mr. Levy had accrued child support arrearage, payable to Plaintiff. Mr. Waterstreet used that arrearage as a pawn to sway Mr. Levy in giving the government any information on Ms. Duncan. The information given to Mr. Waterstreet by Mr. Levy was untrue and unreliable. Mr. Waterstreet accepted the false testimony to seal Plaintiff's fate of incarceration. In exchange for his false testimony, Mr. Waterstreet drafted a letter and Mr. Levy presented that letter to the judge presiding over the child custody case. The letter gave Mr. Levy leverage to; 1.) defraud the state of Michigan Friend of the Court; manipulate the system to receive support payments in one full payment for 3 years; 2.) abatement of child support arrearage; 3.) change of custody to be solely granted to Mr. Levy, and 4.) to order Plaintiff to pay support payments to Mr. Levy while she was incarcerated.

STATEMENT OF CLAIM-dates are approximate; close as possible to the actual date

B.

- July 2, 2002-sentenced; 2pm
- August 8th or 15th of 2002-transported to federal prison
- September 30, 2008-released from prison and transferred to Heartline, the half-way house
- March 9, 2009-released from half way house and placed on federal probation; 8 am report to federal probation office
- June or July 2011-early probation termination

C.

Pastor Gwendolyn Grays, the pastor of True Believers Church witnessed and was a party to a telephone conversation between Mr. Waterstreet and Robert Levy regarding Mr. Levy giving a false testimony against me, Annebelle V Duncan.

Pastor Grays heard Mr. Waterstreet trying to convince Mr. Levy to give him any drug related information on me. Mr. Levy, at that time, informed Mr. Waterstreet that he had no knowledge of anything drug related regarding me. Mr. Waterstreet continued to pressure Mr. Levy into come up with something to

say about me. Mr. Levy again, told Mr. Waterstreet that he had no knowledge of any drug related information regarding me. At that point, Mr. Watersreeet began to offer Mr. Levy assistance with child support arrearages that was owed to me. Ultimately, Mr. Robert Levy gave Mr. Waterstreet a false statement that he knew was untrue. In exchange for the false testimony, Mr. Waterstreet assisted Mr. Levy in the abatement of his child support arrearages by writing a letter on Mr Levy's behalf to Friend of the Court stating that I was convicted of drug charges and facing 10 years.

Mr. Waterstreet's purpose for writing the letter on Mr. Levy's behalf, was an effort to persuade him to give false testimony against me. His motivation to write the letter for Mr. Levy was basically to reward him for making the false statement against me. As a reward for doing so, Mr. Waterstreet would assist Mr. Levy, recommending that his child support arrearages be abated, thus, he would no longer be responsible for paying future child support payments which Mr. Levy tried to evade on numerous occasions, prior to this incident.

July 4, 2022

Annebelle V. Duncan

A handwritten signature in black ink, appearing to read "Annebelle V. Duncan". The signature is fluid and cursive, with a distinct "A" and "D" at the beginning.

CIVIL COVER SHEET

U.S. 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Annebelle V. Duncan

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Wayne

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS

USA Ronald
Waterstreet and Department of
Justice

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input checked="" type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract				<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> Other:		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
---	---	--	---	--	--	---

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Bivens claim

Brief description of cause:

unlawful imprisonment/constitutional rights violations

VI. CAUSE OF ACTION

 CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 10 million

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VII. REQUESTED IN COMPLAINT:

(See instructions):

JUDGE

George Caron Fleet

DOCKET NUMBER

202544-05
AUS

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

George Caron Fleet

DOCKET NUMBER

202544-05
AUS

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

SIGNATURE OF ATTORNEY OF RECORD

George Caron Fleet

URSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
